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Defendant.

ORDER

This is Dunlap's third request that the Court grant nunc pro tunc designation that his federal sentence run concurrently with his later-imposed state sentence. On March 11, 2011, Dunlap filed his first Motion to Receive Credit for Time Served. Doc. #311. The Court denied Dunlap's Motion on the ground that a district court lacks the authority to make an initial determination of time served, which must be made in the first instance by the Bureau of Prisons. Doc. #313. Thereafter, on December 19, 2011, Dunlap filed a second Motion for Nunc Pro Tunc Designation. Doc. #316. Again, the Court denied Dunlap's Motion on the ground that the Bureau of Prisons has the exclusive authority to address a prisoner's request for nunc pro tunc designation. Doc. #318.

<sup>1</sup> Refers to the Court's docket number.


1 The Court determined that Dunlap's second Motion was moot as the Bureau of Prisons had already  
2 weighted the Court's recommendation, Dunlap's criminal history and California prison service  
3 record, and decided not to grant Dunlap the retroactive nunc pro tunc designation. *Id.*

4 On May 7, 2014, Dunlap filed a third Motion for Reduction of Sentence Pursuant to 18  
5 U.S.C. § 3585(b) and U.S.S.G. § 5G1.3(c). This Court has already recognized that the Bureau of  
6 Prisons "has the exclusive authority to address a prisoner's request for nunc pro tunc designation  
7 and that it rests within the discretion of [the Bureau of Prisons] to deny such a request." Doc. #318.  
8 As the United States points out, neither 18 U.S.C. § 3585(b) nor U.S.S.G. § 5G1.3(c) undermine  
9 the Bureau of Prisons' authority to do so. Accordingly, the Court shall deny Dunlap's third  
10 successive request for retroactive nunc pro tunc designation.

11  
12 IT IS THEREFORE ORDERED that Dunlap's Motion for Reduction of Sentence Pursuant  
13 to 18 U.S.C. § 3585(b) and U.S.S.G. § 5G1.3(c) (Doc. #321) is DENIED.

14 IT IS SO ORDERED.

15 DATED this 20th day of August, 2014.

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18 LARRY R. HICKS  
19 UNITED STATES DISTRICT JUDGE  
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